



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

July 6, 2023

**By ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Re: *D.J.C.V., et al. v. United States of America*, No. 20 Civ. 5747 (PAE)

Dear Judge Engelmayer:

As directed by the Court at today's argument, the Government respectfully submits this letter regarding record authority for the point that plaintiffs G.C. and D.J.C.V. could not be housed together in U.S. Immigration and Customs Enforcement ("ICE") detention.

As explained in the Declaration of Robert Guadian ("Guadian Decl.") (ECF No. 233), "[i]n April and May of 2018, FRCs [family residential centers] were the only option for housing noncitizen families." Guadian Decl. ¶ 17; *see also Ms. L. v. U.S. Immigr. & Customs Enf't*, 310 F. Supp. 3d 1133, 1139 (S.D. Cal. 2018) ("For children placed in federal custody, there are two options. One of those options is ORR . . . . The second option is family detention facilities."). At that time, "none of the FRCs would have been able to accept a family unit that included a father with a criminal history involving violence, such as G.C." Guadian Decl. ¶ 17. Minors (such as D.J.C.V.) could not be detained with a parent in a secure adult detention facility. *See* Declaration of Monique Grame (ECF No. 206) ¶ 27.

We thank the Court for its attention to this matter.

The Court thanks counsel for this letter.

SO ORDERED.

Respectfully Submitted,

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*Paul A. Engelmayer*

PAUL A. ENGELMAYER  
United States District Judge  
July 7, 2023